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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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K&L Gates LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
CHRISS, ANDREW W				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,101

Applicant(s)

ANGER MAYR ET AL.

Examiner

Andrew Chriss

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, filed January 26, 2009, has been entered and carefully considered. Claim 30 is currently amended, Claims 1-20 are canceled, and Claims 21-40 are currently pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 21-40** rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim limitations "at least two internal logical networks are set up in the network node" (Claim 21), "setting up two internal logical networks" (Claim 31), and "both network nodes have the same signaling point code" in Claims 21 and 31 is not enabled based on the claim language and corresponding disclosure. Applicant admits that "every signaling point, e.g., an exchange (node), is *uniquely* identified in the network by a signaling point code (Applicant's specification, paragraph 0004) and that "(i)n Signaling System No. 7, each signaling point is *uniquely* identified by signaling point code" (Applicant's specification, paragraph 0018) (emphasis added). Therefore, each signaling point must have a different point code. Claims 21 and 31 further describe setting up "at least two

internal logical networks in the network node” in order to share the same signaling point code between multiple network nodes. Paragraph 0027 of Applicant’s specification describes setting up internal logical networks:

“two internal logical networks N1 and N2 are set up in the exchange B-Vst. All signaling paths of the exchange A-Vst to the nodes in the signaling network are initially assigned to the network N1. In addition, a signaling path S1 is set up between the exchange A-Vst and the network N2 of the exchange B-Vst, so that the exchange A-Vst has continued access to the signaling network.”

Paragraph 0044 further describes internal logical networks:

“Twenty internal logical networks N1 . . . N20 are set up in the exchange B-Vst, wherein the networks N1 . . . N20 are assigned to each other in pairs N1-N20, N2-N19, etc. This assignment can be represented in the exchange B-Vst in the form of a table T, for example. The operations when transmitting data in each network pair N1-N20, N2-N19, etc. are analogous to those described in FIGS. 1 and 2. I.e. the messages from an exchange (not shown) which arrive in the network N3 are forwarded to the network N18 by means of the table T, without an error message, if the addresses of the messages are not known to the network N2. The message is sent from the network N18 to the exchange (not shown) which is coupled to the network N18. In the opposite direction, messages arriving in the network N18 are forwarded to the network N3 by means of the table T.”

Based on the portions of Applicant’s disclosure cited above, it is unclear as to what the broad terminology of “internal logical network” comprises. Applicant’s specification fails to disclose how an internal logical network would be functionally set up or a configuration of a network

node to enable multiple internal logical networks. Therefore, based on the state of prior art, as described with regards to Applicant's admission above, and the lack of direction provided by the inventor, the subject matter in independent claims 21 and 31 is not enabled and would require undue experimentation by one of ordinary skill in the art to make and use the invention. Claims 22-30 and 32-40 depend on Claims 21 and 31, and fail to resolve the deficiencies therein.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 21-40** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **Regarding Claims 21 and 31**, claim language “internal logical network” is indefinite as to what the term comprises. Claims 22-30 and 32-40 depend on Claims 21 and 31 and fail to resolve the deficiencies therein.

Response to Arguments

6. Applicant's arguments filed January 26, 2009 with regards to rejection of Claims 21-40 under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement have been fully considered but they are not persuasive. Examiner notes that Applicant's specification comprises multiple passages which support a conclusion by one skilled in the art that two nodes are not capable of sharing a single signaling point code. Paragraph 0004 recites “Every signaling point, e.g., an exchange (node), is uniquely identified by a signaling point code (SPC).” Paragraph 0018 recites “In Signaling System No. 7, each signaling point is uniquely identified by signaling point code.” To support Applicant's claim that two nodes can share a signaling point

code, in contradiction to the known SS7 standard, Applicant proposes setting up internal logical networks, as claimed in Claims 21 and 31. In the arguments filed January 26, 2009, Applicant states that the expression "internal logical network" is "generally" introduced in paragraph 0003 of Applicant's specification. Examiner notes that the cited paragraph describes signaling between two exchanges, but does not describe internal logical networks. Applicant further describes establishing signaling paths between two exchanges, assigning different OPC codes to the internal logical networks, ISUP messaging, SCCP messages, but does not provide any evidence as to how an "internal logical network" is set up (i.e., outside of having a signaling point code assigned) or how two network nodes can have the same signaling point code, as claimed. Applicant states setting up at least two internal logical networks "enables the network node to have two logical entities that could utilize two different point codes." Further, Applicant states that "from a network perspective beyond exchange A-Vst and B-Vst, both such exchanges are *perceived as one exchange* (with one signaling point code)" (emphasis added by Examiner). Therefore, Applicant admits that the two exchanges and internal logical networks utilize separate signaling point codes and do not have the same signaling point code, as claimed in Claims 21 and 31. Rejection of Claims 21-40 under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement is maintained.

7. Applicant's arguments filed January 26, 2009 with regards to rejection of Claims 21-40 under 35 U.S.C. 112, second paragraph, have been fully considered but they are not persuasive. Applicant states that "the internal logical network can be perceived as a functionality to provide said service of a first signaling point code of the network node and a second signaling point code used for addressing the (temporarily) hidden network node." However, Applicant does not

provide a passage from the specification to support this definition. Examiner notes that the specification does not support what such a functionality would comprise. Rejection of Claims 21-40 under 35 U.S.C. 112, second paragraph, is maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Chriss whose telephone number is (571)272-1774. The examiner can normally be reached on Monday - Friday, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Chriss
Examiner
Art Unit 2419
4/23/2009

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